

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ELIZABETH L. HOPKINSON,

Plaintiff,

-VS-

PHILLIP G. GILLESPIE,

Defendant.

FILED: JUNE 9 , 2008

08CV3303

JUDGE GOTTSCHALL

MAGISTRATE JUDGE COLE

NF

No

COMPLAINT AT LAW

NOW COMES the Plaintiff, ELIZABETH L. HOPKINSON, by and through her attorneys,
O'REILLY LAW OFFICES, and complaining of the Defendant, PHILLIP G. GILLESPIE, and
states as follows:

PARTIES

1. The Plaintiff, Elizabeth Hopkinson, an individual, is a citizen of the State of Illinois.
2. The Defendant, Phillip Gillespie, an individual, is a citizen of the State of Georgia.

Defendant may be served with process at 719 Whitehead Road, Athens, Georgia, 30606.

JURISDICTION

3. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and the Plaintiff and Defendant are citizens of different States.

VENUE

4. Venue is proper in the District Court for the northern District of Illinois because the Plaintiff resides within the geographical boundaries of the Northern District of Illinois and the subject incident occurred within the geographical boundaries of the Northern District of Illinois.

FACTS

5. On June 14, 2006, the Plaintiff, Elizabeth Hopkinson, was a passenger traveling in a motor vehicle being operated by Danielle DePaola, which was proceeding eastbound on Army Trail Road at or near its intersection with Schmale Road, in the City of Bloomingdale, County of DuPage, and State of Illinois.

6. At the time and place alleged, the Defendant, Phillip Gillespie, owned, operated, managed, maintained and controlled his semi tractor-trailer northbound on Schmale Road at or near its intersection with Army Trail Road in the City of Bloomingdale, County of DuPage, and State of Illinois.

7. At all times relevant herein, the Defendant, Phillip Gillespie, owed the Plaintiff, and others on the roadway, the duty to operate, manage, maintain, and control his semi tractor-trailer with due care and in a reasonably safe manner so as not to cause injury to the Plaintiff.

8. At the time and place alleged, the Defendant, Phillip Gillespie, operated his semi tractor-trailer in a manner so as to cause it to enter the eastbound lane of traffic on Army Trail Road and collide with the front passenger side of the vehicle in which the Plaintiff was traveling.

9. On June 14, 2006, the Defendant breached his duty through one or more of the following negligent acts or omissions:

- (a) Operated his motor vehicle without a proper and sufficient lookout;

- (b) Failed to stop his semi tractor-trailer at a red light in violation of the Illinois Rules of the Road;
- (c) Disobeyed a traffic control sign clearly posted at the time and place alleged which prohibited vehicles from making right hand turns on a red light in violation of the Illinois Rules of the Road;
- (d) Failed to yield the right of way to the operator of the vehicle in which Plaintiff was a passenger in violation of the Illinois Rules of the Road;
- (e) Failed to reduce speed to avoid a collision in violation of the Illinois Rules of the Road;
- (f) Failed to equip said vehicle with adequate brakes;
- (g) Failed to obey posted traffic signs in violation of the Illinois Rules of the Road;
- (h) Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway;
- (i) Failed to maintain proper control of his vehicle;
- (j) Failed to give audible warning with his horn when such warning was reasonably necessary to ensure safety;
- (k) Otherwise violated the Illinois Rules of the Road; and/or
- (l) Was otherwise negligent in the operation, management, maintenance, and control of his vehicle;

6. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the Defendant, Phillip Gillespie's motor vehicle struck the vehicle in which the Plaintiff was traveling which in turn caused the Plaintiff to suffer injuries of a personal and pecuniary nature.

JURY DEMAND

7. Plaintiff, Elizabeth L. Hopkinson, demands trial by jury.

WHEREFORE, the Plaintiff, ELIZABETH L. HOPKINSON, respectfully requests that this Honorable Court enter judgment in her favor and against the Defendant, PHILLIP G. GILLESPIE, in an amount to exceed \$75,000 (Seventy-Five Thousand Dollars) plus costs of litigation.

Dated: 06/06/08

By: /s/ John F. O'Reilly
O'REILLY LAW OFFICES
Attorneys for Plaintiff
1751 S. Naperville Rd, #101
Wheaton, IL 60187
Telephone: 630/665-4444
Attorney No. 6209668
E-mail: oreillylaw@msn.com